AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (*Currently amended*) A method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control method comprising the steps of:

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server; ~~and~~

determining the number of the image data sets to be sent to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

transferring to the client a message notifying that the number of the image data sets to be transferred is 0 in the case where the number of the image data sets to be transferred has been determined to be 0.

2. (*Original*) An image-data transfer control method as defined in Claim 1, further comprising the step of transferring the image data sets whose number has been determined from the server to the client.

3. (*Original*) An image-data transfer control method as defined in Claim 2, wherein the step of transferring is the step of transferring the image data

sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

4. (*Original*) An image-data transfer control method as defined in Claim 2, further comprising the step of transferring, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

5. (*Original*) An image-data transfer control method as defined in Claim 4, further comprising the step of transferring from the server to the client, in the case where transfer of the image data sets corresponding to the low volume data sets is requested, the image data sets corresponding to the low volume data sets whose transfer is requested.

6. (*Canceled*)

7. (*Original*) An image-data transfer control method as defined in any one of Claims 1 to 5, further comprising the step of transferring information representing the transfer rate to the client.

8. (*Original*) An image-data transfer control method as defined in any one of Claims 1 to 5, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

9. (*Currently amended*) An apparatus for controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control apparatus comprising:

means for measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server; ~~and~~

means for determining the number of the image data sets to be transferred to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

means for sending a message to the client notifying that the number of the image data sets is 0 in the case where the number of the image data sets has been determined to be 0.

10. (*Original*) An image-data transfer control apparatus as defined in Claim 9, further comprising means for transferring the image data sets whose number has been determined from the server to the client.

11.   (*Original*) An image-data transfer control apparatus as defined in Claim 10, wherein the means for transferring transfers the image data sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

12.   (*Original*) An image-data transfer control apparatus as defined in Claim 10, wherein the means for transferring transfers, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

13.   (*Original*) An image-data transfer control apparatus as defined in Claim 12, wherein the means for transferring transfers, from the server to the client, the image data sets corresponding to the low volume data sets when transfer of the image data sets corresponding to the low volume data sets is requested.

14. (*Canceled*)

15. (*Original*) An image-data transfer control apparatus as defined in any one of Claims 9 to 13, further comprising means for transferring information representing the transfer rate to the client.

16. (*Original*) An image-data transfer control apparatus as defined in any one of Claims 9 to 13, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

17. (*Currently amended*) A computer-readable recording medium storing a program to cause a computer to execute a method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the program comprising the procedures of:

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server; and

determining the number of the image data sets to be sent to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

transferring to the client a message notifying that the number of the image data sets to be transferred is 0 in the case where the number of the image data sets to be transferred has been determined to be 0.

18. (*Original*) A computer-readable recording medium as defined in Claim 17, the program further comprising the procedure of transferring the image data sets whose number has been determined from the server to the client.

19. (*Original*) A computer-readable recording medium as defined in Claim 18, wherein the procedure of transferring is the procedure of transferring the image data sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

20. (*Original*) A computer-readable recording medium as defined in Claim 18, the program further comprising the procedure of transferring, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

21. (*Original*) A computer-readable recording medium as defined in Claim 20, the program further comprising the procedure of transferring from the server to the client, in the case where transfer of the image data sets corresponding to the low volume data sets is requested, the image data sets corresponding to the low volume data sets whose transfer is requested.

22. (*Canceled*)

23. (*Original*) A computer-readable recording medium as defined in any one of Claims 17 to 21, the program further comprising the procedure of transferring information representing the transfer rate to the client.

24. (*Original*) A computer-readable recording medium as defined in any one of Claims 17 to 21, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

25. (*Previously presented*) An image-data transfer control method as defined in Claim 1, wherein an amount of time necessary for transferring the number of image data sets is approximately the permitted transfer time.

26.   (*Previously presented*) An image-data transfer control apparatus as defined in Claim 9, wherein an amount of time necessary for transferring the number of image data sets is approximately the permitted transfer time.

27.   (*Previously presented*) A computer-readable recording medium as defined in Claim 17, wherein an amount of time necessary for transferring the number of image data sets is approximately the permitted transfer time.

28.   (*Withdrawn*) A method of measuring a transfer rate of a network, comprising:

transmitting from a server to a requesting client data of a predetermined data size;

receiving a reply from the requesting client sent in response to the data of the first predetermined size;

measuring a response time based on a start time in which the data of the predetermined size was transmitted by the server and an end time in which the reply was received from the requesting client; and

determining the transfer rate based on the predetermined data size and the response time.

29.   (*Withdrawn*) The method of claim 28, wherein the response time is measured as a difference between the start and end times, and wherein the transfer rate is determined by dividing the predetermined data size of data by the response time.

30.   (*Withdrawn*) The method of claim 28, wherein the predetermined data size a first predetermined data size, the reply from the requesting client is a first reply, the response time is a first response time, the start time is a first start time, and the end time is a first end time, the method further comprising:

transmitting from the server to the requesting client data of a second predetermined size;

receiving a second reply from the requesting client sent in response to the data of the second predetermined size;

measuring a second response time based on a second start time in which the data of the second predetermined size was transmitted by the server and a second end time in which the second reply was received from the requesting client; and

determining the transfer rate based on the first and second predetermined data sizes and first and second response times.

31. (*Withdrawn*) The method of claim 30, wherein the first and second predetermined sizes are not equal,

32. (*Withdrawn*) The method of claim 31, wherein

in the measuring step, the first response time is measured as a difference between the first start and end times and the second response time is measured as a difference between the second start and end times, and

in the determining the transfer rate step, the transfer rate is determined by dividing a size difference between the first and second predetermined data sizes by a time difference between the first and second response times.

33. (*Previously presented*) An image-data transfer control method as defined in Claim 4, further comprising transferring from the server to the client all non-transfer image data sets corresponding all low volume data sets upon request from a user interfacing with the client.

34. (*Previously presented*) An image-data transfer control method as defined in Claim 7, further comprising displaying a representation of the transfer rate on a display of the client.

35.   (*Previously presented*) A method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control method comprising the steps of:

receiving a requested number of image data sets for transfer from a client;

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server; and

determining an actual number of the image data sets to be sent to the client in response to the transfer request based on the transfer rate and a permitted transfer time determined in advance, wherein an actual number is less than or equal to the requested number.